

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANTHONY ROMANO,

Plaintiffs,

v.

LISA LISSON, et al.,

Defendants.

DECISION AND ORDER
16-CV-81-A

This prisoner civil rights case was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the performance of pretrial proceedings.

On January 24, 2024, Magistrate Judge Roemer issued a Report and Recommendation (“R&R”) (Dkt. No. 120) recommending that the Court find that 1) plaintiff failed to exhaust his claim of interference with use of the telephone, and 2) plaintiff has exhausted his claim of interference with personal mail.

Federal Rule of Civil Procedure 72(b)(3) provides, “[t]he district judge must determine de novo any part of the magistrate judge’s disposition *that has been properly objected to*” (emphasis added). Here, no objections to the RR&O have been filed. “When no timely objection is filed, the [C]ourt need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” 1983 Advisory Committee Note to Fed. R. Civ. P. 72(b); see *Patton v. Ford Motor Co.*, 14-CV-0308-RJA-HBS, 2017 WL 2177621, 2017 U.S. Dist. LEXIS 76148, *5 (W.D.N.Y. May 18, 2017) (same).

The Court finds no clear error with respect to Magistrate Judge Roemer's recommendations. As such, it is hereby

ORDERED that pursuant to 28 U.S.C. § 636(b)(1) and for the reasons set forth in the R&R, the Court finds that 1) the plaintiff has failed to exhaust his claim of interference with use of the telephone, and 2) plaintiff has exhausted his claim of interference with personal mail; and it is further

ORDERED that the matter is referred to Magistrate Judge Roemer for further proceedings consistent with this decision.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: February 20, 2024
Buffalo, New York